

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Vinny Ngo

Docket No. 5:06-CR-190-1BO

Petition for Action on Supervised Release

COMES NOW Michael C. Brittain, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Vinny Ngo, who, upon an earlier plea of guilty to Use, Carry, and Possession of a Firearm During and in Relation to a Drug Trafficking Crime in violation of 18 U.S.C. § 924(c), was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on April 10, 2007, to the custody of the Bureau of Prisons for a term of 60 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

Vinny Ngo was released from custody on August 20, 2010, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Mr. Ngo tested positive for marijuana in a urinalysis sample that was submitted on March 28, 2013. When confronted with the positive results, he admitted using marijuana on or about March 26, 2013. The sample was sent to the laboratory for confirmation and it was returned positive for marijuana on April 4, 2013. Mr. Ngo will be placed in the surprise urinalysis program for the remainder of his supervision term to ensure no additional use of illegal substances occurs. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

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Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/Michael C. Brittain
Michael C. Brittain
Senior U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: April 26, 2013

ORDER OF COURT

Considered and ordered this 21st day of May, 2013, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge